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In re Application of
JEHA et al.
Serial No.: 10/533,940
PCT No.: PCT/AU04/00810
Int. Filing Date: 21 June 2004
Priority Date: 20 June 2003
Attorney's Docket No.: 4398-207
For: BREATHABLE GAS APPARATUS WITH
HUMIDIFIER

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:
DECISION ON
:
RESPONSE TO NOTIFICATION
:
TO MISSING REQUIREMENTS
:
:

This is a decision on applicants' "Response to Notification of Missing Requirements", filed on 30 November 2005 in the United States Patent and Trademark Office (USPTO). Petitioner seeks to add Andrew Charles Murray, Mark John Payne and Simone Marie Jeha as inventors in the above referenced application.

BACKGROUND

On 04 May 2005, within the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee. On 08 July 2005, applicant filed a declaration executed only by Andrew Charles Murray, Mark John Payne and Simone Marie Jeha (who were not identified in the published International application).

On 24 October 2005, a Notification of Missing Requirements was mailed to applicant indicating that the oath or declaration was not executed in accordance with either 37 CFR 1.66 or 1.68 and drawing applicant's attention to the fact that the declaration had not been executed by inventors listed on the International Application.

On 05 November 2005, applicant filed a Response to the Notification of Missing Requirements.

DISCUSSION

Applicant states the Andrew Charles Murray, Mark John Payne and Simone Marie Jeha were added as inventors during the international phase and provided copies of the Notification of the Recording of a Change from the International Bureau (Forms PCT/IB/306) indicating that Andrew Charles Murray, Mark John Payne and Simone Marie Jeha were added to the international application and that the correction was accepted by the International Bureau.

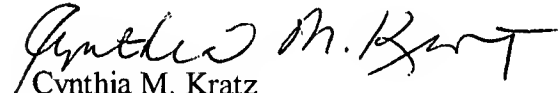
However, the declaration submitted on 08 July 2005 does not include all the inventors listed on the published International application. The following inventors were not identified on the declaration which was executed by Andrew Charles Murray, Mark John Payne and Simone Marie Jeha: Barton John Kenyon, Arthur Kin-Wai Yee, Rohan Neil Primrose, Jim Saada, John Michael Snow, Marek Tomasz Sapula, Geoffrey Crumblin, Duncan Lovel Trevor-Wilson, Perry David Lithgow, Alexander Virr, and Donald Angus Richmond. The declaration does not identify all the inventors and thus, does meet the requirements of 37 CFR 1.497(a) and (b) and is unacceptable.

CONCLUSION

The declaration submitted on 08 July 2005 is unacceptable because it does not identify all inventors and therefore, it does not meet the requirements of 37 CFR 1.497(a) and (b).

The application will be held in the Office of PCT Legal Administration to await applicant's further response. Applicant may furnish a response within ONE (1) month or the time period remaining under the 24 October 2005 Notification of Missing Requirements.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


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